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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 THOMAS FREDERICK LEONARD,

12 Petitioner,

13 v.

14 PEOPLE OF THE STATE OF  
15 CALIFORNIA,

16 Respondent.  
17

No. 2:23-CV-2693-DMC-P

ORDER

18 Petitioner, who is proceeding pro se, brings this petition for a writ of habeas  
19 corpus under 28 U.S.C. § 2254. Pending before the Court is Petitioner’s first amended petition,  
20 ECF No. 5. “A petitioner for habeas corpus relief must name the state officer having custody of  
21 him or her as the respondent to the petition.” Stanley v. California Supreme Court, 21 F.3d 359,  
22 360 (9th Cir. 1994); see also Rule 2(a), Federal Rules Governing Section 2254 Cases. As with  
23 his original petition, the amended petition continues to name the “People of the State of  
24 California” as respondent. Because Petitioner has not named the appropriate state officer,  
25 Petitioner will be provided leave to amend to correct this technical defect by naming the correct  
26 respondent. See Stanley, 21 F.3d at 360. Petitioner is warned that continued failure to comply  
27 with this order may result in the dismissal of this action. See Local Rule 110.

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1 Also before the Court is Petitioner's motion for leave to proceed in forma  
2 pauperis, ECF No. 6. Petitioner has submitted the affidavit required by 28 U.S.C. § 1915(a)  
3 showing that Petitioner is unable to prepay fees and costs or give security therefor. Petitioner's  
4 motion for leave to proceed in forma pauperis will be granted.

5 Accordingly, IT IS HEREBY ORDERED as follows:

6 1. Petitioner's first amended petition for writ of habeas corpus, ECF No. 5, is  
7 DISMISSED with leave to amend.

8 2. Petitioner shall file a second amended petition on the form employed by  
9 this court, and which names the proper respondent and states all claims and requests for relief,  
10 within 30 days of the date of this order.

11 3. Petitioner's motion for leave to proceed in forma pauperis, ECF No. 6, is  
12 GRANTED.

13 4. The Clerk of the Court is directed to send Petitioner the Court's form  
14 habeas corpus application.

15  
16 Dated: January 12, 2024



DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE